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revived and increased. That Jackson chanced to be the personage to whom it was attracted, and that his personality contributed to intensify it, are not to be regretted. With all his defects and administrative errors the sum of his influence was beneficial" (pp. 339-40).

Among historical writers Mr. Peck's chief protagonist seems to be Professor Von Holst, whose characterization of Jackson's presidency as a "reign" which "systematically undermined the public conscience and diminished the respect of the people for the government" Mr. Peck declares to be false. The author endeavors to refute this statement (pp. 335-41) and declares that Von Holst's judgment shows a lack of insight which is characteristic of the idealist and the bookman. Not a few students of American history will welcome Mr. Peck's views and will be ready to believe that the American writer has discovered the inwardness of the Jacksonian period more truly than has the German professor.

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The Commerce Clause of the Federal Constitution. By E. PARMALEE PRENTICE and JOHN G. EGAN. Pp. lxxv and 386. Price, \$6.00. Chicago: Callaghan & Co., 1898.

Since Marshall wrote his famous decision in the case of *Gibbons v. Ogden* seventy-five years ago, constitutional law relating to interstate and foreign commerce has had a large development; yet it would doubtless surprise most persons to find that a volume on "The Commerce Clause of the Federal Constitution" could contain references to nearly 1,800 cases. This, however, is the number of cases cited in the scholarly volume by Mr. Prentice and Mr. Egan; and the authors have studied these cases and the numerous statutes cited in their work with assiduity and discretion. The result of their study is a comprehensive and systematic treatise that makes a substantial addition to the literature of commercial law.

The place which the volume by Messrs. Prentice and Egan holds in the literature of the subject with which it deals is shown by the fact that when the American and English Encyclopedia of Law was published in 1890, only the four following authorities were referred to: Hare's "American Constitutional Law" (1889); Harper's "Law of Interstate Commerce" (1887); Patterson's "Federal Restraints on State Action" (1888); and Rorer's "American Interstate Law" (1879). Since this list was made there was published the excellent monograph by Dr. William Draper Lewis, of Philadelphia, on "The Federal Power over Commerce and its Effect on State Action" (1892), and later the monograph of Francis Cope Hartshorne, also of Philadelphia, on

"The Railroads and the Commerce Clause" (1893). Short discussions of the subject may be found also in other works, as for instance, in "Cooley's Constitutional Limitations," where it occupies a few pages in a chapter on other matters. In the last edition of this work, just published, this part is expanded into a separate chapter.

In view of the fact that the volumes by Dr. Lewis and Mr. Harts-horne are monographs dealing with special phases of the general subject of regulation of commerce, there was need of a volume dealing with the subject as a whole. Messrs. Prentice and Egan have met that need in a manner that will be appreciated by every student of the subject.

Their volume treats of the powers which Congress possesses and of the statutes passed in the exercise of its powers. The work also includes a discussion of the limitations imposed by the constitution on the commercial powers of the states and of the federal and state powers over foreign commerce and commerce with the Indian tribes, and in this discussion of the existing powers of Congress the historical development of those powers is clearly outlined.

Possibly the admirable survey of the decisions and statutes concerning the power of Congress and the states to tax commerce will be appreciated more than any other chapter of the book. The chapter dealing with the regulation of freights and fares, although characterized by the ability of the authors to select material wisely and to present only the more essential facts necessary to a clear treatment of a subject, might advantageously have been made somewhat longer. Every recent case of importance is cited, but those who are especially interested in railway questions will wish that the author's treatment in this chapter had gone a little more into detail. This criticism may be lodged with particular force against the reference on page 285 to the doctrine enunciated in *Smyth v. Ames*, concerning the state regulation of domestic rates. In this decision the Supreme Court ruled that: "It is only rates for the transportation of persons and property between points within the state that the state can prescribe; and when it undertakes to prescribe rates not to be exceeded by the carrier, it must do so with reference exclusively to what is just and reasonable, as between the carrier and the public, in respect of domestic business."

This decision is of immense significance, because of the fact that a very large part of the business done by railroad companies within the states in reality has a vital connection with their interstate business. The intrastate roads are, to a considerable extent, regarded by the railroads as feeders to their interstate lines. The rates on these feeders are fixed largely with reference to the interstate business of the companies. It is a recognized fact that in most cases it is impossible to

draw any well-defined distinction between state and interstate traffic. If the states must limit their regulation of rates to the establishment of charges that would be profitable were the business done by the railroads within the state performed without reference to the interstate traffic of companies, the legal rate minima to which the states will be limited will be so high as practically to free the railroad companies from any effective regulation of railway charges upon intrastate traffic. This fact might well have been considered in the discussion of *Smyth v. Ames*.

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The Shifting and Incidence of Taxation. By EDWIN R. A. SELIGMAN. Second Edition, completely revised and enlarged. Pp. xii and 337. Price, \$3.50. Published for the Columbia University Press by the Macmillan Company. New York, 1899.

The Columbia University Press makes a stately volume of the second edition of Professor Seligman's "Shifting and Incidence of Taxation." The new edition does high honor to the Columbia series, as did the first to the Publications of the American Economic Association. For seven years this work has been one of the indispensable hand books of all students of public finance. Since its appearance no important work on taxation has been published in any country which has not paid deference to the scholarship displayed in this volume; for this reason, as well as for the new thought which it contains, the second edition is assured a hearty welcome. We shall gladly substitute the new volume for the thumb-worn copy of the familiar pamphlet.

The book has been enlarged both extensively and intensively; that is to say, much new matter has been added, especially in the historical part, and the theoretical discussion has been enlarged and deepened. It is hard to say which of the additions is most significant. The most numerous and important additions to the historical part of the book are seen in the list of early English and early French writers. The few pages devoted to the early theories in the first edition have been expanded into "Book I, Part I," and now cover ninety interesting pages. Thus, for example, the discussion of the general excise is clearly traced to its origin and the works of some thirty writers who treated that subject are analyzed. The result is to give us a very clear picture of the development of thought along these lines. The discussion of the physiocratic theory is now placed at the beginning of a "Book" dealing with modern theories. This is an improvement on the rather stereotyped treatment of those ideas in the first edition.